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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,152	01/12/2001	Richard B.C. Tucker SR.	STX-001	8917

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,152

Applicant(s)

TUCKER, RICHARD B.C.

Examiner

Tom P Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 157-173 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 157-173 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 157-173 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 157 and 165, there is no written description of a "the cavity having a thermoplastic surface; and a striking surface attachment disposed in the cavity, wherein the striking surface attachment compresses the thermoplastic surface to secure the striking surface attachment to the putter head." In claim 158 and 166, there is no written description of "the thermoplastic surface of the putter head cavity and the thermoplastic surface of the striking surface attachment compress against each other."

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 157-173 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 157 and 165, the phrase "the cavity having

a thermoplastic surface; and a striking surface attachment disposed in the cavity, wherein the striking surface attachment compresses the thermoplastic surface to secure the striking surface attachment to the putter head” is inaccurate and indefinite. In claims 158 and 166, the phrase “the thermoplastic surface of the putter head cavity and the thermoplastic surface of the striking surface attachment compress against each other” is inaccurate and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 157-158, 160, 163-166, 168, and 171-173 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker, Sr. '214 in view of Spalding (5,620,381).

Regarding claims 157-158, 165-166, and 171, Tucker Sr. discloses a putter head 15 comprising a plastic body member (Col. 4 lines 1-4), elastomeric striking face 9, one or more fittings 19 (support member 11), recess area 24 (cavity), and a weight 13 (metal core). Tucker fails to disclose the striking surface attachment compresses the thermoplastic surface to secure the striking surface attachment to the putter head.

Spalding teaches the interchangeable inserts 14 and 44 (Col. 7, lines 1-4) can be secured by means of press fit into the slot (cavity) of the putter head (Col. 3, lines 9-16). Thus, it would have been obvious in view of Spalding to one having ordinary skill in the art to modify the screw attachment means of Tucker with press fit or compress fit of

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Spalding in order to facilitate attachment and/or detachment of the striking face insert.

Regarding claims 160 and 168, Tucker discloses a weight 13, which constitutes a metal core, in the molded, plastic body member 19 and a plastic recess 24 or cavity.

Regarding claims 163-164 and 172-173, both Tucker and Spalding show a recess (cavity) with indentation to facilitate the gripping and/or separating of the striking face insert from the putter head.

4. Claims 159, 161-162, 167, 169-170, are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied in claim 157 and further in view of Moss (3,310,309). Regarding claims 159, 161, 167, and 169, the prior art fail to disclose a magnet in the putter head cavity and the magnet (best understood by examiner) facilitates attachment of the striking surface attachment to the putter head body. Moss '309 discloses a putter head (Col. 1, lines 9-10) comprising of a aluminum striking face 10 fastened by screws 24 and 25 to attachment 4, and a magnet 16 fastened by screws 17 and 18 to the back of the attachment, which is magnetized to the putter face 12 or putter head body (Figs. 2 and 6, and Col. 2, lines 28-39). Thus, it would have been obvious in view of Moss to one having ordinary in the art to modify the striking surface attachment of prior art with a magnetized striking face attachment of Moss in order to facilitate attachment and/or detachment of the striking face insert. Regarding claims 162 and 170, the prior art discloses the claimed invention except a second magnet attached to the exposed portion of the metal core in the cavity. Note, the modified putter structure of Tucker in view Spalding and Moss provide a magnetized striking surface attachment with at least one magnet. Although, the prior art combination

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does not disclose a second magnet to further aids in securing the striking surface attachment to the putter head; however, in view of prior art, it would have been obvious to one skilled in the art to provide additional or duplicated magnetic parts such as the second magnet to further aids in securing the striking face attachment to the putter head. (See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) for duplication of parts.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
March 14, 2004



Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700